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Attorneys for Defendant
PURITY PRODUCTS INTERNATIONAL, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

RICHARD WUEST, individually and on
behalf of a class of similarly situated
individuals,

Plaintiff,

v.

PURITY PRODUCTS
INTERNATIONAL, INC., and DOES 1
through 50, inclusive,

Defendant.

**NOTICE OF REMOVAL OF
CIVIL ACTION**

1 **PLEASE TAKE NOTICE** that, pursuant to 28 U.S.C. §§ 1332, 1441, 1446
 2 and 1453, Defendant Purity Products International, Inc. (“Purity Products”)
 3 removes the above-captioned action from the Superior Court of the State of
 4 California, County of Alameda, Case No. RG17875192 to the United States
 5 District Court for the Northern District of California, on the following grounds:

6 **I. INTRODUCTION**

7 1. On September 13, 2017, Plaintiff Richard Wuest commenced a
 8 putative class action against Purity Products by filing a complaint in the Superior
 9 Court of the State of California, County of Alameda, Case No. RG17875192,
 10 captioned *Richard Wuest, individually and on behalf of a class of similarly situated*
 11 *individuals v. Purity Products International, Inc.; and Does 1 through 50, inclusive*
 12 (the “Complaint”). True and correct copies of the Complaint and all other papers
 13 served upon Purity Products are attached to this Notice of Removal as Exhibit A.

14 2. In the Complaint, Plaintiff alleges Purity Products had a policy and
 15 practice of recording or monitoring consumer-initiated telephone calls made to
 16 Purity Products’ toll-free and customer service telephone numbers, which he
 17 alleges is a violation of California’s Invasion of Privacy Act (“CIPA”), Penal Code
 18 § 632.7. Complaint ¶ 1.

19 3. Purity Products was served with the Complaint on September 25,
 20 2017. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b)(1)
 21 because Purity Products is filing it within thirty days after service of the
 22 Complaint.

23 4. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is
 24 being promptly served upon counsel for Plaintiff and a copy is being filed with the
 25 Clerk of the Superior Court of the State of California, County of Alameda.

26 5. No admission of fact, law, liability, or damages is intended by this
 27 Notice of Removal, and Purity Products expressly reserves, and does not waive, all
 28 defenses, affirmative defenses, objections, and motions. Purity Products further

expressly reserves, and does not waive, its right to oppose the certification of a class in this action.

II. JURISDICTION

6. The Class Action Fairness Act of 2005 (“CAFA”) creates federal jurisdiction over lawsuits in which “the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, and is a class action in which . . . any member of a class of plaintiffs is a citizen of a State different from any defendant,” and involves a putative class that consists of more than 100 members. 28 U.S.C. § 1332(d). CAFA authorizes removal of such actions. 28 U.S.C. §§ 1453, 1446. As set forth below, this action meets all of CAFA’s requirements for jurisdiction.

A. The Amount in Controversy Exceeds \$5,000,000

7. For purposes of CAFA removal, “the claims of the individual class members shall be aggregated to determine whether the amount in controversy exceeds the sum or value of \$5,000,000, exclusive of interests and costs.” 28 U.S.C. § 1332(d)(6). “[A] defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (2014).

8. Purity Products denies any liability for the claims asserted in the Complaint, and further denies that Plaintiff has any right to any relief for himself or for members of the putative class. Nevertheless, for purposes of removal, the Complaint as pled gives rise to an amount in controversy which well exceeds \$5,000,000.

9. Plaintiff alleges that Purity Products had a policy and practice of surreptitiously recording and/or monitoring conversations with individuals who called Purity Products’ customer service telephone numbers from cellular or cordless telephones or who called Purity Products’ cellular or cordless telephones

1 from landline telephones. Complaint ¶¶ 17, 32.

2 10. Within the one year preceding Plaintiff filing his Complaint, Purity
3 Products alleges that it received at least 1,001 telephone calls from residents in
4 California using cellular or cordless telephones. *See Quesada v. Banc of Am. Inv.*
5 *Servs., Inc.*, No. 11-1703, 2012 WL 34228, at *1 (N.D. Cal. Jan. 6, 2012) (one year
6 statute of limitations for Penal Code § 632.7 claims).

7 11. The Complaint alleges that for each telephone call in violation of
8 CIPA, Purity Products is liable for statutory damages of \$5,000. Complaint ¶ 35 &
9 Prayer for Relief ¶ c.

10 12. At \$5,000 per alleged violation for at least 1,001 calls, the statutory
11 damages that Plaintiff seeks exceed \$5,000,000.

12 13. Plaintiff also seeks an award of attorneys' fees under California Code
13 of Civil Procedure § 1021.5, further increasing the amount in controversy. *Id.*
14 Prayer for Relief ¶ f.

15 **B. There is Diversity of Citizenship**

16 14. Minimal diversity under CAFA exists when "any member of a class
17 of plaintiffs is a citizen of a State different from any defendant." 28 U.S.C. §
18 1332(d)(2)(A).

19 15. Plaintiff is a citizen of California and the putative class members are
20 citizens of California. Complaint §§ 4, 17.

21 16. Purity Products is a citizen of New York, as it was incorporated in
22 New York and has its principal place of business in New York.

23 17. Because Plaintiff and Purity Products are citizens of different states,
24 there is diversity of citizenship.

25 **C. The Putative Class Contains at Least 100 Members**

26 18. CAFA requires that the putative class contain at least 100 members.
27 28 U.S.C. § 1332(d)(5)(B).

28 19. Plaintiff alleges the putative class contains at least seventy-five

members. Complaint ¶ 22.

20. Purity Products alleges that it received at least 1,001 telephone calls from residents in California using cellular or cordless telephones within the one year before Plaintiff filed his Complaint.

21. Thus, this requirement is met.

III. INTRADISTRICT ASSIGNMENT

22. Pursuant to Local Rule 3.2(d), this action should be assigned to the San Francisco/Oakland Division because it arose in Alameda County.

Dated: October 25, 2017

VENABLE LLP

By: /s/ Daniel S. Silverman
Daniel S. Silverman
Melissa C. McLaughlin
Attorneys for Defendant PURITY
PRODUCTS INTERNATIONAL,
INC.

EXHIBIT A



20230988

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FILED
ALAMEDA COUNTY

SEP 13 2017

CLERK OF THE SUPERIOR COURT

By Molly Sandy Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

RG17875192

RICHARD WUEST, individually and on
 behalf of a class of similarly situated
 individuals,

Plaintiff,

v.

PURITY PRODUCTS INTERNATIONAL,
 INC.; and DOES 1 through 50, inclusive,

Defendants.

Case No: _____

CLASS ACTION**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**DEMAND FOR JURY TRIAL**SUMMONS ISSUED**

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CLASS ACTION COMPLAINT

Plaintiff Richard Wuest ("Plaintiff" or "Wuest"), on behalf of himself and a class (the "PC § 632.7 Class") of similarly situated individuals as defined below, alleges on information and belief and the investigation by counsel as follows:

INTRODUCTION

1. This class action lawsuit arises out of the policy and practice of Defendant Purity Products International, Inc. (collectively, "Defendant" or "Purity Products") to record and/or monitor,¹ without the consent of all parties, consumer-initiated telephone calls made or routed to Defendant's toll-free and other customer service telephone numbers (collectively referred to as "Purity Products customer service telephone numbers"), including but not limited to the Purity Products toll-free telephone numbers 800-256-6102 and 800-500-1842. During the relevant time period, Defendant intentionally and surreptitiously recorded and/or monitored telephone calls made or routed to Defendant's toll-free and other customer service telephone numbers, including the telephone numbers 800-256-6102 and 800-500-1842. Defendant did so without warning or disclosing to inbound callers that their calls might be recorded or monitored.

2. Defendant's policy and practice of recording and monitoring consumer-initiated telephone conversations without the consent of all parties violates California's Invasion of Privacy Act (Penal Code §§ 630, *et seq.*). Specifically, Defendant's policy and practice violate Penal Code § 632.7, which prohibits the recording or monitoring of a communication made to or from a cellular or cordless telephone without the consent of all parties to the communication.

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¹ "Monitor," as used in this complaint, includes both (a) the common understanding of a person listening in on a call and (b) "intercepting," as that term is used in the California Invasion of Privacy Act ("CIPA"). Thus, "monitor" will be used in lieu of "intercept" throughout this complaint.

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3. Because of Defendant's violations, all individuals who called or were routed to one or more of Defendant's customer service telephone numbers while they were in California and were recorded or monitored by Defendant surreptitiously and without disclosure are entitled to an award of statutory damages and injunctive relief as set forth in Penal Code § 637.2.

PARTIES

4. Plaintiff Richard Wuest is an individual and a resident of California.

5. Defendant Purity Products International, Inc. is a foreign corporation with its headquarters in Plainview, New York. Defendant systematically and continuously does business in California and with California residents.

6. Plaintiff is ignorant of the true names and capacities of defendants sued herein as DOES 1 through 50, inclusive, and therefore sue those defendants by those fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and on that ground alleges that each of the fictitiously named defendants is responsible in some manner for the occurrences alleged and that Plaintiff's injuries and damages, as alleged, are proximately caused by those occurrences.

7. Plaintiff is informed and believes and on that ground alleges that, at all relevant times, each Defendant was the principal, agent, partner, joint venturer, officer, director, controlling shareholder, subsidiary, affiliate, parent corporation, successor in interest and/or predecessor in interest of some or all of the other Defendants, and was engaged with some or all of the other Defendants in a joint enterprise for profit, and bore such other relationships to some or all of the other Defendants as to be liable for their conduct with respect to the matters alleged below. Plaintiff is informed and believes and on that ground alleges that each Defendant acted pursuant to and within the scope of the relationships alleged above, and that each knew or should have known about and authorized, ratified, adopted, approved, controlled, aided and abetted the conduct of all Defendants.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over this action under California Penal Code §§ 632.7 and 637.2.

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9. This Court has personal jurisdiction over the parties because Defendant continually and systematically has conducted business in the State of California. Likewise, Plaintiff's rights were violated in the State of California and arose out of his contact with Defendant from and within California.

10. Venue is proper in this Court because California Code of Civil Procedure §§ 395 and 395.5, and case law interpreting those sections, provide that if a foreign business entity fails to designate with the office of the California Secretary of State a principal place of business in California, it is subject to being sued in any county in the state that plaintiff desires. On information and belief, as of the date this Complaint is filed, Defendant is a foreign business entity that has failed to designate a principal place of business in California with the office of the Secretary of State.

FACTUAL ALLEGATIONS COMMON TO THE CLASS

11. Plaintiff has heard radio advertisements for Defendant's products many times. While listening to radio station TALK 650 KTSE on August 19, 2017 at approximately 8:30 a.m., Plaintiff heard an ad for Defendant's products. The ad informed listeners that they could call 800-500-1842 if they wished to place an order for Defendant's products. On or about August 19, 2017 at approximately 9:00 a.m., Plaintiff called that toll-free telephone number to place an order. At no point during that initial telephone call did Defendant inform Plaintiff that the call was being recorded. Plaintiff did not give and could not have given consent for his telephone call to be recorded because the lack of warning or disclosure regarding call recording left him unaware at the call outset that Defendant was engaged in that practice.

12. That same day, after doing some Internet research on Defendant, Plaintiff re-dialed 800-500-1842 and asked the customer service representative whether Defendant recorded telephone calls and was told that Defendant records all calls. At no time prior to asking the customer service representative whether his call was being recorded did Defendant provide any warning or disclosure that it recorded calls.

13. Plaintiff is informed and believes and on that ground alleges that Defendant's employees and agents at the customer service call centers were and are directed, trained, and

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1 instructed to, and did and do, record and/or monitor telephone calls between the customer service
 2 representatives and callers, including California callers. Plaintiff, on his own and through
 3 investigation by counsel, verified on more than one occasion in August and September 2017 that
 4 callers who called 800-256-6102 and 800-500-1842 and were routed to Defendant's customer
 5 service representatives routinely were being recorded without having received any warning that
 6 their calls were being recorded. No warning disclosure was played while callers were on hold
 7 waiting to be transferred to a customer service representative, and no warning was given at the
 8 call outset after callers were transferred to a customer service representative.

9 14. Plaintiff is informed and believes and on that ground alleges that Defendant
 10 intentionally has used technology consisting of hardware and/or software or other equipment to
 11 carry out a policy and practice of recording and/or monitoring calls routed to Defendant's
 12 customer service representatives.

13 15. Plaintiff is informed and believes and on that ground alleges that other callers
 14 who called Defendant's customer service telephone numbers -- including 800-256-6102 and 800-
 15 500-1842 -- and were routed to one of Defendant's customer service call centers were not
 16 informed at the call outset by Defendant or anyone else that their calls were being recorded
 17 and/or monitored. Thus, that recording and/or monitoring necessarily occurred without the
 18 callers' knowledge or consent.

19 16. Because there was no warning that calls would be recorded or monitored,
 20 Plaintiff had a reasonable expectation that his telephone conversation with Defendant's
 21 employees and agents was, and would remain, private and confined to the parties on the
 22 telephone. That recording and/or monitoring without his consent is highly offensive to Plaintiff
 23 and would be highly offensive to a reasonable person, including members of the proposed
 24 Plaintiff Class.

25 CLASS ACTION ALLEGATIONS

26 17. Plaintiff brings this action under California Code of Civil Procedure § 382 on
 27 behalf of themselves and the class (the "PC § 632.7 Class") defined as follows:

28 All California citizens who, at any time during the applicable limitations period

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preceding the filing of the Complaint in this matter and through and including the date of resolution, called one or more of Defendant's customer service telephone numbers from a cellular or cordless telephone while located within the State of California and whose calls were recorded and/or monitored by Defendant without any warning or disclosure at the call outset.

18. The PC § 632.7 Class that Plaintiff seeks to represent contains numerous members and is clearly ascertainable including, without limitation, by using Defendant's records and/or Defendant's telephone company's and/or other telecommunications and toll-free service providers' records regarding calls to Defendant's customer service telephone numbers to determine the size of the PC § 632.7 Class and to determine the identities of individual PC § 632.7 Class members. Plaintiff reserves the right to amend or modify the PC § 632.7 Class definition and/or to add subclasses or limitations to particular issues.

19. By its unlawful actions, Defendant has violated Plaintiff's and the PC § 632.7 Class's privacy rights under California's Invasion of Privacy Act, California Penal Code §§ 630 *et seq.* The questions raised are, therefore, of common or general interest to the PC § 632.7 Class members, who have a well-defined community of interest in the questions of law and fact raised in this action.

20. Plaintiff's claims are typical of those of the PC § 632.7 Class, as Plaintiff now suffers and has suffered from the same violation of the law as other putative PC § 632.7 Class members. Plaintiff has retained counsel with substantial experience in prosecuting complex litigation and class actions to represent them and the PC § 632.7 Class, and Plaintiff will fairly and adequately represent the interests of the PC § 632.7 Class.

21. This action may properly be maintained as a class action under § 382 of the California Code of Civil Procedure because there is a well-defined community of interest in the litigation and the proposed PC § 632.7 Class is ascertainable.

Numerosity

22. Based on information and belief, the Class consists of at least seventy-five individuals, making joinder of individual cases impracticable.

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Typicality

23. Plaintiff's claims are typical of the claims of all of the other members of the PC § 632.7 Class. Plaintiff's claims and the PC § 632.7 Class members' claims are based on the same legal theories and arise from the same unlawful conduct, resulting in the same injury to Plaintiff and to all of the other PC § 632.7 Class members.

Common Questions of Law and Fact

24. There are questions of law and fact common to the PC § 632.7 Class that predominate over any questions affecting only individual PC § 632.7 Class members. Those common questions of law and fact include, without limitation, the following:

- a. Whether Defendant had a policy or practice of recording and/or monitoring inbound telephone calls made to customer service telephone numbers, including 800-256-6102 and 800-500-1842;
- b. Whether Defendant had a policy or practice of not disclosing to inbound callers that their conversations with Defendant's employees or agents would be recorded and/or monitored;
- c. Whether Defendant had a policy or practice of not obtaining inbound callers' consent to record and/or monitor conversations between Defendant's employees or agents, on the one hand, and inbound callers, on the other;
- d. Whether Defendant violated California Penal Code § 632.7 by recording and/or monitoring, surreptitiously and without disclosure at the call outset, telephone conversations
 - i. between inbound callers using cellular and cordless telephones within California and Defendant's employees and agents, and
 - ii. between inbound callers using landline telephones within California and Defendant's employees and agents using cellular or cordless phones; and

e. Whether Class members are entitled to statutory damages of \$5,000 under Penal Code § 637.2 for each violation of Penal Code § 632.7.

Adequacy

25. Plaintiff will fairly and adequately represent and protect the interests of the other members of the PC § 632.7 Class. Plaintiff has retained counsel with substantial experience in prosecuting complex litigation and class actions. Plaintiff and his counsel are committed to prosecuting this action vigorously on behalf of the other PC § 632.7 Class members and have the financial resources to do so. Neither Plaintiff nor his counsel have any interests adverse to those of the other PC § 632.7 Class members.

Superiority

26. A class action is superior to other available methods for the fair and efficient adjudication of this controversy because individual litigation of the claims of all PC § 632.7 Class members is impracticable and questions of law and fact common to the PC § 632.7 Class predominate over any questions affecting only individual members of the PC § 632.7 Class. Even if every individual PC § 632.7 Class member could afford individual litigation, the court system could not. It would be unduly burdensome to the courts if individual litigation of the numerous cases were to be required. Individualized litigation also would present the potential for varying, inconsistent, or contradictory judgments and would magnify the delay and expense to all parties and to the court system resulting from multiple trials of the same factual issues. By contrast, the conduct of this action as a class action with respect to some or all of the issues will present fewer management difficulties, conserve the resources of the court system and the parties and protect the rights of each PC § 632.7 Class member. Further, it will prevent the very real harm that would be suffered by numerous putative PC § 632.7 Class members who simply will be unable to enforce individual claims of this size on their own, and by Defendant's competitors, who will be placed at a competitive disadvantage as their punishment for obeying the law. Plaintiff anticipates no difficulty in the management of this case as a class action.

27. The prosecution of separate actions by individual PC § 632.7 Class members may create a risk of adjudications with respect to them that would, as a practical matter, be dispositive

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of the interests of other PC § 632.7 Class members not parties to those adjudications or that would substantially impair or impede the ability of those non-party PC § 632.7 Class members to protect their interests.

28. The prosecution of individual actions by PC § 632.7 Class members would run the risk of establishing inconsistent standards of conduct for Defendants.

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29. Defendant has acted or refused to act in respects generally applicable to the PC § 632.7 Class, thereby making appropriate final and injunctive relief or corresponding declaratory relief with regard to members of the PC § 632.7 Class as a whole as requested herein. Likewise, Defendant's conduct as described above is unlawful, is capable of repetition, and will continue unless restrained and enjoined by the Court.

FIRST CAUSE OF ACTION
Unlawful Recording and/or Monitoring of
Cellular and Cordless Telephone Communications
(Violation of California Penal Code § 632.7)
Against All Defendants

30. Plaintiff incorporates each allegation set forth above as if fully set forth herein and further alleges as follows.

31. On and around July 13, 2017, and while physically located in Sacramento, California, Plaintiff used his cellular telephone and called the 800-500-1842 toll-free customer service telephone numbers that Defendant had advertised on the radio.

32. Plaintiff is informed and believes and on that ground alleges that, at all relevant times, Defendant had a policy and practice of using hardware and/or software or other equipment that enabled it to surreptitiously record and/or monitor conversations with Plaintiff and other PC § 632.7 Class members (a) who made calls to the Purity Products customer service telephone numbers on their cellular or cordless telephones or (b) who made calls to Defendant's cellular or cordless telephones on their landline telephones. Plaintiff, individually and through investigation by counsel, verified on more than one occasion in August and September 2017 that callers who called 800-256-6102 and 800-500-1842 and were routed to Defendant's customer service representatives routinely were being recorded without having received any warning at the call

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1 outset that their calls were being recorded. No warning disclosure was played while callers were
 2 on hold waiting to be transferred to a customer service representative, and no warning was given
 3 at the call outset after callers were transferred to a customer service representative.

4 33. Plaintiff is informed and believes and on that ground alleges that, at all relevant
 5 times, Defendant had and followed a policy and practice of intentionally and surreptitiously
 6 recording and/or monitoring Plaintiff's and PC § 632.7 Class members' telephone conversations
 7 with Defendant's employees and agents in which one or both parties to the call were using
 8 cellular or cordless telephones. Plaintiff, individually and through investigation by counsel,
 9 verified on more than one occasion in August and September 2017, that callers who called 800-
 10 256-6102 and 800-500-1842 and were routed to Defendant's customer service representatives
 11 routinely were being recorded without having received any warning at the call outset that their
 12 calls were being recorded. No warning disclosure was played while callers were on hold waiting
 13 to be transferred to a customer service representative, and no warning was given at the call outset
 14 after callers were transferred to a customer service representative.

15 34. Because Defendant did not disclose to Plaintiff or PC § 632.7 Class members at
 16 the call outset that their calls were being recorded and/or monitored, Defendant did not obtain,
 17 and could not have obtained, Plaintiff's or PC § 632.7 Class members' express or implied
 18 advance consent to the recording or monitoring of those conversations. As a result, Plaintiff and
 19 PC § 632.7 Class members had an objectively reasonable expectation that their calls were not
 20 being recorded and/or monitored. That expectation and its objective reasonableness arise, in
 21 part, from the objective offensiveness of surreptitiously recording people's conversations, the
 22 absence of even a simple pre-recorded message as short as four simple words – "calls may be
 23 recorded" – and the ease with which such a message could have been put in place. As the
 24 California Supreme Court has stated, "in light of the circumstance that California consumers are
 25 accustomed to being informed at the outset of a telephone call whenever a business entity intends
 26 to record the call, it appears equally plausible that, in the absence of such an advisement, a
 27 California consumer reasonably would anticipate that such a telephone call is not being recorded,
 28 particularly in view of the strong privacy interest most persons have with regard to the personal

1 financial information frequently disclosed in such calls.” (See *Kearney v. Salomon Smith Barney*
2 (2006) 39 Cal. 4th 95.)

3 35. Defendant’s conduct as described above violated California Penal Code §
4 632.7(a). Under Penal Code § 637.2, Plaintiff and PC § 632.7 Class members therefore are
5 entitled to \$5,000 in statutory damages per violation, even in the absence of proof of actual
6 damages, the amount deemed proper by the California Legislature. Plaintiff and PC § 632.7
7 Class members also are entitled to injunctive relief to enjoin further violations.

8 **PRAYER FOR RELIEF**

9 **WHEREFORE**, Plaintiff, on behalf of himself and members of the Class, prays for the
10 following relief:

- 11 a. An order certifying the PC § 632.7 Class and appointing Plaintiff Richard Wuest
12 as representatives of the PC § 632.7 Class, and appointing counsel for Plaintiff as
13 lead counsel for the PC § 632.7 Class;
- 14 b. An order declaring that the actions of Defendant, as described above, violate
15 California Penal Code § 632.7;
- 16 c. A judgment for and award of statutory damages of \$5,000 per violation to
17 Plaintiff and the members of the PC § 632.7 Class under California Penal Code
18 § 637.2;
- 19 d. A permanent injunction under Penal Code § 637.2 enjoining Defendant from
20 engaging in further conduct in violation of California Penal Code § 630, *et seq.*;
- 21 e. Payment of costs of the suit;
- 22 f. Payment of attorneys’ fees under California Code of Civil Procedure § 1021.5;
- 23 g. An award of pre- and post-judgment interest to the extent allowed by law; and
- 24 h. For such other or further relief as the Court may deem proper.

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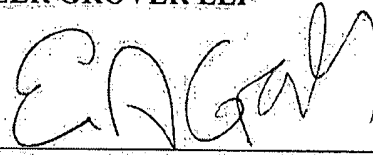
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Respectfully submitted,

Dated: September 13, 2017

KELLER GROVER LLP

By:



Eric A. Grover
Attorneys for Plaintiff

JURY DEMAND

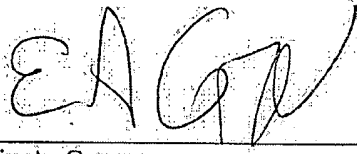
Plaintiff requests a trial by jury of all claims that can be so tried.

Respectfully submitted,

Dated: September 13, 2017

KELLER GROVER LLP

By:



Eric A. Grover
Attorneys for Plaintiff

KELLER GROVER LLP
 Attn: Grover, Eric A.
 1965 Market Street
 San Francisco, CA 94103

Purity Products International, Inc.

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

<p>Wuest</p> <p>Plaintiff/Petitioner(s)</p> <p>VS.</p> <p>Purity Products International, Inc.</p> <p>Defendant/Respondent(s)</p> <p>(Abbreviated Title)</p>	<p>No. <u>RG17875192</u></p> <p>NOTICE OF HEARING</p>
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To each party or to the attorney(s) of record for each party herein:

Notice is hereby given that the above-entitled action has been set for:

Case Management Conference
 Complex Determination Hearing

You are hereby notified to appear at the following Court location on the date and time noted below:

Case Management Conference:

DATE: 10/24/2017 TIME: 03:00 PM DEPARTMENT: 30
 LOCATION: U.S. Post Office Building, Second Floor
 201 13th Street, Oakland

Complex Determination Hearing:

DATE: 11/28/2017 TIME: 03:00 PM DEPARTMENT: 30
 LOCATION: U.S. Post Office Building, Second Floor
 201 13th Street, Oakland

Pursuant to California Rules of Court, Rule 3.400 et seq. and Local Rule 3.250 (Unified Rules of the Superior Court, County of Alameda), the above-entitled matter is set for a Complex Litigation Determination Hearing and Initial Complex Case Management Conference.

Department 30 issues tentative rulings on DomainWeb (www.alameda.courts.ca.gov/domainweb). For parties lacking access to DomainWeb, the tentative ruling must be obtained from the clerk at (510) 268-5104. Please consult Rule 3.30(c) of the Unified Rules of the Superior Court, County of Alameda, concerning the tentative ruling procedures for Department 30.

Counsel or party requesting complex litigation designation is ordered to serve a copy of this notice on all parties omitted from this notice or brought into the action after this notice was mailed.

All counsel of record and any unrepresented parties are ordered to attend this Initial Complex Case Management Conference unless otherwise notified by the Court.

Failure to appear, comply with local rules or provide a Case Management Conference statement may result in sanctions. Case Management Statements may be filed by E-Delivery, by submitting directly to the E-Delivery Fax Number (510) 267-5732. No fee is charged for this service. For further information, go to **Direct Calendar Departments** at

<http://apps.alameda.courts.ca.gov/domainweb>.

All motions in this matter to be heard prior to Complex Litigation Determination Hearing must be scheduled for hearing in Department 30.

If the information contained in this notice requires change or clarification, please contact the courtroom clerk for Department 30 by e-mail at Dept.30@alameda.courts.ca.gov or by phone at (510) 268-5104.

TELEPHONIC COURT APPEARANCES at Case Management Conferences may be available by contacting CourtCall, an independent vendor, at least 3 business days prior to the scheduled conference. Parties can make arrangements by calling (888) 882-6878, or faxing a service request form to (888) 883-2946. This service is subject to charges by the vendor.

Failure to appear, comply with local rules or provide a Case Management Conference statement may result in sanctions under Local Rule 3.90.

All motions in this matter to be heard prior to Complex Litigation Determination Hearing (CDH) must be scheduled in the same department as that hearing.

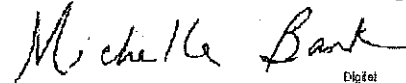
If the information contained in this notice requires change or clarification, please call the courtroom clerk for the department where the CDH is scheduled.

TELEPHONIC COURT APPEARANCES at Case Management Conferences may be available by contacting CourtCall, an independent vendor, at least 3 business days prior to the scheduled conference. Parties can make arrangements by calling 1-888-882-6878, or faxing a service request form to 1-888-882-2946. This service is subject to charges by the vendor.

Dated: 09/14/2017

Chad Finke Executive Officer / Clerk of the Superior Court

By



Digital

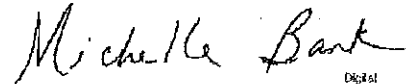
Deputy Clerk

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice by placing copies in envelopes addressed as shown hereon and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 09/15/2017.

By



Digital

Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Eric A. Grover, Esq. (SBN 136080) Keller Grover, LLP 1965 Market Street San Francisco, CA 94103 TELEPHONE NO.: 415-543-1305 FAX NO.: ATTORNEY FOR (Name): Richard Wuest		CM-010 FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 150px;"> ENDORSED FILED ALAMEDA COUNTY SEP 18 2017 CLERK OF THE SUPERIOR COURT By <u>Molly J. Kautz</u> Deputy </div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: 1225 Fallon Street CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Rene C. Davidson Courthouse		CASE NAME: Richard Wuest v. Purity Products International, Inc., et al.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
Items 1-6 below must be completed (see instructions on page 2).		CASE NUMBER: DC17875192 JUDGE: DEPT.:	

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/DPD/W (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/DPD/W (23) Non-P/DPD/W (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (18) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DPD/W tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	---

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input checked="" type="checkbox"/> Large number of separately represented parties b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. <input type="checkbox"/> Substantial postjudgment judicial supervision
--	--

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify):

5. This case ☒ is ☐ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: September 13, 2017

Eric A. Grover

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

 Form Adopted for Mandatory Use
 Judicial Council of California
 CJA-010 (Rev. July 1, 2007)
CIVIL CASE COVER SHEET
 Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740;
 Cal. Standards of Judicial Administration, std. 3.10
www.courtinfo.ca.gov

 American LegalNet, Inc.
www.FormsWorkflow.com

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)
Auto (22)—Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)	Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	Construction Defect (10)
	Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)	Claims Involving Mass Tort (40)
	Negligent Breach of Contract/Warranty	Securities Litigation (28)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Other Breach of Contract/Warranty	Environmental/Toxic Tort (30)
Asbestos (04)	Collections (e.g., money owed, open book accounts) (09)	Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)
Asbestos Property Damage	Collection Case—Seller Plaintiff	Enforcement of Judgment
Asbestos Personal Injury/Wrongful Death	Other Promissory Note/Collections Case	Enforcement of Judgment (20)
Product Liability (not asbestos or toxic/environmental) (24)	Insurance Coverage (not provisionally complex) (18)	Abstract of Judgment (Out of County)
Medical Malpractice (45)	Auto Subrogation	Confession of Judgment (non-domestic relations)
Medical Malpractice—Physicians & Surgeons	Other Coverage	Sister State Judgment
Other Professional Health Care Malpractice	Other Contract (37)	Administrative Agency Award (not unpaid taxes)
Other PI/PD/WD (23)	Contractual Fraud	Petition/Certification of Entry of Judgment on Unpaid Taxes
Premises Liability (e.g., slip and fall)	Other Contract Dispute	Other Enforcement of Judgment Case
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Real Property	Miscellaneous Civil Complaint
Intentional Infliction of Emotional Distress	Eminent Domain/Inverse Condemnation (14)	RICO (27)
Negligent Infliction of Emotional Distress	Wrongful Eviction (33)	Other Complaint (not specified above) (42)
Other PI/PD/WD	Other Real Property (e.g., quiet title) (26)	Declaratory Relief Only
Non-PI/PD/WD (Other) Tort	Writ of Possession of Real Property	Injunctive Relief Only (non-harassment)
Business Tort/Unfair Business Practice (07)	Mortgage Foreclosure	Mechanics Lien
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)	Quiet Title	Other Commercial Complaint Case (non-tort/non-complex)
Defamation (e.g., slander, libel) (13)	Other Real Property (not eminent domain, landlord/tenant, or foreclosure)	Other Civil Complaint (non-tort/non-complex)
Fraud (16)	Unlawful Detainer	Miscellaneous Civil Petition
Intellectual Property (19)	Commercial (31)	Partnership and Corporate Governance (21)
Professional Negligence (25)	Residential (32)	Other Petition (not specified above) (43)
Legal Malpractice	Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)	Civil Harassment
Other Professional Malpractice (not medical or legal)	Judicial Review	Workplace Violence
Other Non-PI/PD/WD Tort (35)	Asset Forfeiture (05)	Elder/Dependent Adult Abuse
Employment	Petition Re: Arbitration Award (11)	Election Contest
Wrongful Termination (36)	Writ of Mandate (02)	Petition for Name Change
Other Employment (15)	Writ—Administrative Mandamus	Petition for Relief From Late Claim
	Writ—Mandamus on Limited Court Case Matter	Other Civil Petition
	Writ—Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal—Labor Commissioner Appeals	

F. ADDENDUM TO CIVIL CASE COVER SHEET

Unified Rules of the Superior Court of California, County of Alameda

Short Title: Richard Wuest v. Purity Products International

Case Number: 17875192

CIVIL CASE COVER SHEET ADDENDUM

THIS FORM IS REQUIRED IN ALL NEW UNLIMITED CIVIL CASE FILINGS IN THE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

[X] Oakland, Rene C. Davidson Alameda County Courthouse (446) [] Hayward Hall of Justice (447)
[] Pleasanton, Gale-Schenone Hall of Justice (448)

Civil Case Cover Sheet Category	Civil Case Cover Sheet Case Type	Alameda County Case Type (check only one)
Auto Tort	Auto tort (22)	[] 34 Auto tort (G) Is this an uninsured motorist case? [] yes [] no
Other PI /PD / WD Tort	Asbestos (04) Product liability (24) Medical malpractice (45) Other PI/PD/WD tort (23)	[] 75 Asbestos (D) [] 89 Product liability (not asbestos or toxic tort/environmental) (G) [] 97 Medical malpractice (G) [] 33 Other PI/PD/WD tort (G)
Non - PI /PD / WD Tort	Bus tort / unfair bus. practice (07) Civil rights (08) Defamation (13) Fraud (16) Intellectual property (19) Professional negligence (25) Other non-PI/PD/WD tort (35)	[X] 79 Bus tort / unfair bus. practice (G) [] 80 Civil rights (G) [] 84 Defamation (G) [] 24 Fraud (G) [] 87 Intellectual property (G) [] 59 Professional negligence - non-medical (G) [] 03 Other non-PI/PD/WD tort (G)
Employment	Wrongful termination (36) Other employment (15)	[] 38 Wrongful termination (G) [] 85 Other employment (G) [] 53 Labor comm award confirmation [] 54 Notice of appeal - L.C.A.
Contract	Breach contract / Wmnty (06) Collections (09) Insurance coverage (18) Other contract (37)	[] 04 Breach contract / Wmnty (G) [] 81 Collections (G) [] 86 Ins. coverage - non-complex (G) [] 98 Other contract (G)
Real Property	Eminent domain / Inv Cdm (14) Wrongful eviction (33) Other real property (26)	[] 18 Eminent domain / Inv Cdm (G) [] 17 Wrongful eviction (G) [] 36 Other real property (G)
Unlawful Detainer	Commercial (31) Residential (32) Drugs (38)	[] 94 Unlawful Detainer - commercial [] 47 Unlawful Detainer - residential [] 21 Unlawful detainer - drugs Is the deft. in possession of the property? [] Yes [] No
Judicial Review	Asset forfeiture (05) Petition re: arbitration award (11) Writ of Mandate (02) Other judicial review (39)	[] 41 Asset forfeiture [] 62 Pet. re: arbitration award [] 49 Writ of mandate Is this a CEQA action (Publ.Res.Code section 21000 et seq) [] Yes [] No [] 64 Other judicial review
Provisionally Complex	Antitrust / Trade regulation (03) Construction defect (10) Claims involving mass tort (40) Securities litigation (28) Toxic tort / Environmental (30) Ins covrg from cmplx case type (41)	[] 77 Antitrust / Trade regulation [] 82 Construction defect [] 78 Claims involving mass tort [] 91 Securities litigation [] 93 Toxic tort / Environmental [] 95 Ins covrg from complex case type
Enforcement of Judgment	Enforcement of judgment (20)	[] 19 Enforcement of judgment [] 08 Confession of judgment
Misc Complaint	RICO (27) Partnership / Corp. governance (21) Other complaint (42)	[] 90 RICO (G) [] 88 Partnership / Corp. governance (G) [] 68 All other complaints (G)
Misc. Civil Petition	Other petition (43)	[] 06 Change of name [] 69 Other petition

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

PURITY PRODUCTS INTERNATIONAL, INC.; and DOES 1 through 50, inclusive,

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

RICHARD WUEST, individually and on behalf of a class of similarly situated individuals,

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ENDORSED
FILED
ALAMEDA COUNTY

SEP 13 2017

CLERK OF THE COURT **Molly J. Kautz**

By _____ Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Alameda County Superior Court
1225 Fallon Street
Oakland, CA 94612

CASE NUMBER:
(Número del Caso):

RG17875192

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Eric A. Grover, Esq. KELLER GROVER LLP, 1965 Market Street, San Francisco, CA 94103 (415) 543-1305

DATE:
(Fecha)

SEP 13 2017

Chad Finke

Clerk, by
(Secretario)

Molly J. Kautz

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify):

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

(Separate proof of service is required for each party served.)

- Page 1 of 2

PLAINTIFF/PETITIONER: RICHARD WUEST	CASE NUMBER: RG17875192
DEFENDANT/RESPONDENT: PURITY PRODUCTS INTERNATIONAL, INC.	

5. c. ☒ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): September 21, 2017 (2) from (city): San Francisco, CA
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☒ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Jasmine Minato Williams
- b. Address: 1965 Market Street, San Francisco, CA 94103
- c. Telephone number: (415) 543-1305
- d. The fee for service was: \$
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: September 21, 2017

JASMINE MINATO WILLIAMS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Eric A. Grover (SBN 136080) KELLER GROVER LLP 1965 Market Street San Francisco, CA 94103 TELEPHONE NO.: (415) 543-1305 FAX NO. (Optional): (415) 543-7861 E-MAIL ADDRESS (Optional): cagrover@kellergrover.com ATTORNEY FOR (Name): Plaintiff Richard Wuest	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: 1225 Fallon Street CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Rene C. Davidson Courthouse	
PLAINTIFF/PETITIONER: RICHARD WUEST DEFENDANT/RESPONDENT: PURITY PRODUCTS INTERNATIONAL, INC.	CASE NUMBER: RG17875192
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Addendum to Civil Case Cover Sheet; Notice of Hearing
3. a. Party served (specify name of party as shown on documents served):
 PURITY PRODUCTS INTERNATIONAL, INC.
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
 JAHN LEVIN, CEO for PURITY PRODUCTS INTERNATIONAL, INC.
4. Address where the party was served:
 200 TERMINAL DRIVE, PLAINVIEW, NY 11803
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: RICHARD WUEST	CASE NUMBER:
DEFENDANT/RESPONDENT: PURITY PRODUCTS INTERNATIONAL, INC.	RG17875192

5. c. ☒ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): September 21, 2017 (2) from (city): San Francisco, CA
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☒ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Jasmine Minato Williams
- b. Address: 1965 Market Street, San Francisco, CA 94103
- c. Telephone number: (415) 543-1305
- d. The fee for service was: \$
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

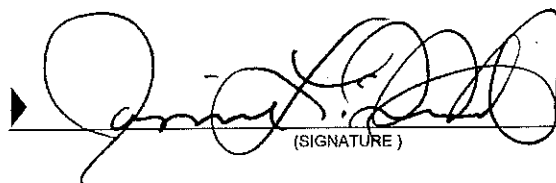
or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: September 21, 2017

JASMINE MINATO WILLIAMS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)



Superior Court of California, County of Alameda Alternative Dispute Resolution (ADR) Information Packet

The person who files a civil lawsuit (plaintiff) must include the ADR Information Packet with the complaint when serving the defendant. Cross complainants must serve the ADR Information Packet on any new parties named to the action.

The Court *strongly encourages* the parties to use some form of ADR before proceeding to trial. You may choose ADR by:

- Indicating your preference on Case Management Form CM-110;
- Filing the Stipulation to ADR and Delay Initial Case Management Conference for 90 Days (a local form included with the information packet); or
- Agree to ADR at your Initial Case Management Conference.

QUESTIONS? Call (510) 891-6055. Email adrprogram@alameda.courts.ca.gov
Or visit the court's website at <http://www.alameda.courts.ca.gov/adr>

What Are The Advantages Of Using ADR?

- **Faster** – Litigation can take years to complete but ADR usually takes weeks or months.
- **Cheaper** – Parties can save on attorneys' fees and litigation costs.
- **More control and flexibility** – Parties choose the ADR process appropriate for their case.
- **Cooperative and less stressful** – In mediation, parties cooperate to find a mutually agreeable resolution.
- **Preserve Relationships** – A mediator can help you effectively communicate your interests and point of view to the other side. This is an important benefit when you want to preserve a relationship.

What Is The Disadvantage Of Using ADR?

- **You may go to court anyway** – If you cannot resolve your dispute using ADR, you may still have to spend time and money resolving your lawsuit through the courts.

What ADR Options Are Available?

- **Mediation** – A neutral person (mediator) helps the parties communicate, clarify facts, identify legal issues, explore settlement options, and agree on a solution that is acceptable to all sides.
 - **Court Mediation Program:** Mediators do not charge fees for the first two hours of mediation. If parties need more time, they must pay the mediator's regular fees.

Some mediators ask for a deposit before mediation starts which is subject to a refund for unused time.

- **Private Mediation:** This is mediation where the parties pay the mediator's regular fees and may choose a mediator outside the court's panel.
- **Arbitration** – A neutral person (arbitrator) hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial and the rules of evidence are often relaxed. Arbitration is effective when the parties want someone other than themselves to decide the outcome.
 - **Judicial Arbitration Program (non-binding):** The judge can refer a case or the parties can agree to use judicial arbitration. The parties select an arbitrator from a list provided by the court. If the parties cannot agree on an arbitrator, one will be assigned by the court. There is no fee for the arbitrator. The arbitrator must send the decision (award of the arbitrator) to the court. The parties have the right to reject the award and proceed to trial.
 - **Private Arbitration (binding and non-binding)** occurs when parties involved in a dispute either agree or are contractually obligated. This option takes place outside of the courts and is normally binding meaning the arbitrator's decision is final.

Mediation Service Programs In Alameda County

Low cost mediation services are available through non-profit community organizations. Trained volunteer mediators provide these services. Contact the following organizations for more information:

SEEDS Community Resolution Center

2530 San Pablo Avenue, Suite A, Berkeley, CA 94702-1612

Telephone: (510) 548-2377 Website: www.seedscrc.org

Their mission is to provide mediation, facilitation, training and education programs in our diverse communities – Services that Encourage Effective Dialogue and Solution-making.

Center for Community Dispute Settlement

291 McLeod Street, Livermore, CA 94550

Telephone: (925) 373-1035 Website: www.trivalleymediation.com

CCDS provides services in the Tri-Valley area for all of Alameda County.

For Victim/Offender Restorative Justice Services

Catholic Charities of the East Bay: Oakland

433 Jefferson Street, Oakland, CA 94607

Telephone: (510) 768-3100 Website: www.cceb.org

Mediation sessions involve the youth, victim, and family members work toward a mutually agreeable restitution agreement.

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ALA ADR-001

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER.:
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Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DEFENDANT)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY FOR DEFENDANT)

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